

**URBAN AGRICULTURE:  
COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS**

The following is a comparison of the current and proposed regulations as they relate to the following:

1. Community garden (page 1)
2. Farmers’ Markets – when an accessory use (page 4)
3. Farmers’ Markets – when a principal use (page 7)
4. Keeping of small farm animals (page 9)
5. Sale of products grown on-site – as an accessory use (page 10)

**1. Community Garden**

*Note: The Unified Development Code currently does not include a “community garden” use. Consequently, the City’s Zoning Administrator must currently “interpret” the code to determine what standards apply. The proposal creates a community garden use with specific standards.*

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Permitted zones	<p>Not specified. Requires a determination by the City’s Zoning Administrator.</p> <p>When on City-owned property, a memorandum of understanding (MOU) and compliance with applicable zoning standards are required.</p> <p>When the community garden is proposed as a principal use, the Zoning Administrator will have to determine whether to classify it as a Crop Production or General Farming use since the UDC does not currently have a community garden use. A determination is not needed when the community garden is an accessory use.</p>	Permitted in all zones
Procedure	A determination by the City’s Zoning Administrator is required to determine whether the use is permitted. The plans are reviewed per the PDSB Director Approval Procedure.	PDSB Director Approval Procedure
Growing and harvesting of agricultural products	Permitted	Permitted

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Keeping of small farm animals	Permitted. See Keeping of Small Farm Animals for conditions.	Permitted. See Keeping of Small Farm Animals for conditions.
Greenhouses permitted	<p>Not clear for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Allowed as an accessory use per UDC Sec. 6.6 (Accessory Uses). However, there are two accessory use requirements that complicate whether a greenhouse would be permitted: 1) the accessory use cannot substantially alter the exterior appearance or character of the principal use; and, 2) in residential zone, the accessory use cannot be located in the front yard (e.g. where and how is the depth of the front yard of a community garden determined?)</li> <li>2. The only specific greenhouse standard in the UDC applies when the greenhouse is associated with a Crop Production use (i.e. a greenhouse heating plant or cooling fan must be 200 feet from every lot line). Whether this would be used as a basis when making a zoning determination is unknown at this time.</li> </ol>	Permitted as accessory use. See Greenhouses for conditions.
Composting	Permitted. While Sec. 16-34, Public Nuisance, does not specifically mention composting, it requires that the activity cannot be "...offensive to the senses." No more specifics are provided. It is not clear if and when setbacks would be required.	Permitted. See Composting for conditions.
Sale of products grown on-site	<p>Not clear because it would be subject to a zoning determination. The following would most likely be used as a basis for making a determination:</p> <ol style="list-style-type: none"> <li>1. When located in a residential zone, the proposed yard sale regulations (going to Council on Nov. 6<sup>th</sup> for consideration), which limits to no</li> </ol>	Permitted. See Sale of Products Grown On-Site for conditions.

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
	more than 4 events/year;  2. When located in a nonresidential zone, a special event permit may be required.	

## 2. Farmers' Markets – When an Accessory Use

*Note: The Unified Development Code currently does not have specific standards for farmers' markets when they are an accessory use to an already established principal use. The information provided in the "Current Regulations" column is gleaned from the accessory use standards (UDC Sec. 6.6), various sections from the Tucson Code, and anecdotal determinations that have been made for similar uses, such as seasonal pumpkin patches and Christmas tree sales. The proposal creates accessory use standards specifically for farmers' markets.*

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Zones permitted	<p>When located on a nonresidential use (e.g. church, school, park) in a residential zone, would be considered a "yard sale." No permits would be required.</p> <p>When located in a nonresidential zone, it would be required to obtain either a seasonal permit (typically used for pumpkin and Christmas tree sales) or a temporary diversion of parking permit. The seasonal permit only requires that the surface be dust-proofed and put a cap on the number of days per year that activity is permitted. The temporary diversion of parking has a cap on the number days per year the activity is permitted.</p>	<p>Special Exception as an accessory use <u>only</u> in RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2.</p> <p>Permitted as an accessory use <u>only</u> in O-1, O-2, and O-3.</p> <p>Permitted as an accessory use or principal use in C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, and I-2.</p>
Procedure	PDSD Director Approval Procedure	<p><u>In residential zones:</u></p> <p>A) when access is taken from an arterial or collector street identified in the Major Streets and Routes Plan, the Planning and Development Services Department Director Special Exception Procedure is required; and,</p> <p>B) when access is taken from a local street, the Zoning Examiner Special Exception Procedure is required.</p> <p><u>In nonresidential zones,</u> PDSD Director Approval Procedure.</p>
Hours of operation	Not specified.	No more than 6 hours between 7 am and 5 pm. <b>Applies in all zones.</b>
Number of days	In residential zones, limited to 4 events per calendar year. Each event can be	In residential zones, no more than 2 days per week. Could be limited

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
	no longer than 3 consecutive days.  In nonresidential zones, not specified.	further by the PDSO Director or Zoning Examiner, whichever is applicable.  In nonresidential zones, not specified, but may be limited by the PDSO Director.
Type of sales	Not specified.	Predominantly sale of food products only. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space. <b>Applies in all zones.</b>
<b>Nuisance mitigation</b>		
Outdoor lighting	Outdoor lighting shall comply with Sec. 6-101, Outdoor Lighting Code.	Same
Noise	Compliance with Sec. 16-31, Excessive Noise, of the Tucson Code is required.	<ol style="list-style-type: none"> <li>1. Compliance with Section 16-31, Excessive Noise, of the Tucson Code is required; and,</li> <li>2. When within 300 feet* of a residential use or zone, loudspeakers and amplified music are prohibited outdoors. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet* of a residential use or zone. <i>*Staff recommends revising this to 400 feet to be consistent with existing standards.</i></li> </ol>
Air Quality	The retail area shall be dust proofed.	Same
Signs	Must comply with Chapter 3 (Sign Code) of the Tucson Code.	Same
Clean Up	Not specified in the UDC. Perhaps enforced through the Neighborhood Preservation Ordinance in the Tucson Code.	All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of each market event.
Outdoor Activity	Outdoor activity is prohibited in the following zones, unless specifically noted otherwise: O-1, O-2, O-3, NC, RVC, C-1, and C-2	Outdoor activity associated with the farmers' markets is permitted.

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
<p>Mitigation Plan for markets in nonresidential zones</p>	<p>This is not specifically required by the zoning code currently; however, the City’s Neighborhood Preservation Zone would require compliance with noise and light regulations and the UDC requires compliance with temporary diversion of parking standards.</p>	<p>For markets in nonresidential zones and within 300 feet of a residential use or zone, the applicant must address how the proposal will mitigate any potential nuisances on the nearby residential neighborhood. The applicant shall provide the following information:</p> <ol style="list-style-type: none"> <li>1. Frequency that the Farmers’ Market will occur and the hours of operation;</li> <li>2. Methods to avoid potential increases in noise and light intrusion;</li> <li>3. Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means;</li> <li>4. Methods to prevent drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development;</li> <li>5. When the applicant proposes to use a principal use’s required parking, either partially or completely, identify where alternative parking for customers and vendors will be located.</li> </ol>

### 3. Farmers' Markets – When a Principal Use

*Note: A farmers' market is classified as a Swap Meet and Auction use in the current Unified Development Code. The information provided in the "Current Regulations" column reflects the permitted zones and applicable standards for the Swap Meet and Auction use. The proposal maintains farmers' markets as a subtype of the Swap Meet and Auction use; however, it creates specific standards for farmers' markets.*

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Zones permitted	Permitted in C-2, C-3, and I-2.  Special Exception in OCR-1, OCR-2, P-1, and I-1.	C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2
Procedure	PDSB Director Approval Procedure	Same
Hours of operation	When located within 400 feet of a residential use or zone, no later than 11 pm	Same
Type of sales	Not specified.	Predominantly sale of food products. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space.
<b>Nuisance mitigation</b>		
Outdoor lighting	Outdoor lighting shall comply with Section 6-101, Outdoor Lighting Code, and area lighting shall be low-pressure sodium and shielded on top.	Same
Noise	1. Compliance with Sec. 16-31, Excessive Noise, of the Tucson Code is required; and,  2. When located within 400 feet of a residential use or zone, any high-noise activity, such as amplified auctioneering, entertainment, or woodworking, shall occur within an enclosed building.	1. Same.  2. When located within 300 feet* of a residential use or zone, loudspeakers and amplified music are prohibited outdoors. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet* of a residential use or zone. <i>*Staff recommends revising this to 400 feet to be consistent with existing standards.</i>
Air Quality	The retail area shall be dust proofed.	Same
Signs	Signs associated with the sale shall	Same

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Outdoor Activity	<p>comply with Chapter 3 (Sign Code) of the Tucson Code.</p> <p>Outdoor activity is prohibited in the following zones, unless specifically noted otherwise: O-1, O-2, O-3, NC, RVC, C-1, and C-2</p>	<p>Outdoor activity associated with a farmers' market is permitted.</p>
Mitigation Plan for markets in nonresidential zones	<p>This is not specifically required by the zoning code currently; however, the City's Neighborhood Preservation Zone would require compliance with noise and light regulations and the UDC requires compliance with temporary diversion of parking standards.</p>	<p>For Farmers' Markets in a nonresidential zone and within 300 feet of a residential use or zone, the applicant must address how the proposal will mitigate any potential nuisances on the nearby residential neighborhood. The applicant shall provide the following information:</p> <ol style="list-style-type: none"> <li>1. Frequency that the Farmers' Market will occur and the hours of operation;</li> <li>2. Methods to avoid potential increases in noise and light intrusion;</li> <li>3. Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means;</li> <li>4. Methods to prevent drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development;</li> <li>5. When the applicant proposes to use a principal use's required parking, either partially or completely, identify where alternative parking for customers and vendors will be located.</li> </ol>

#### 4. Keeping of Small Farm Animals

	Current Regulations	Proposed Regulations (as of 11/6/13)
<b>Type of Animals:</b>		
Permitted	Fowl, small potbelly pigs, other animals not specified	Small farm animals (dwarf goats, rabbits, rodents, fowl, and other similar animals)
Prohibited	Male fowl or guinea fowl	Same, plus uncastrated dwarf goats over 5 months
Number of animals permitted	24 fowl. The permitted number of other animals is not specified.	Each type of permitted animal is assigned an Animal Unit. The number of animals permitted is the lesser of 0.2 Animal Units per 1,000 sf of gross site area or the cap based on the lot size (note: the cap increases the larger the lot).
Max. shelter height	12'	Same
<b>Perimeter Yard:</b>		
From property line, except when...	Varies, depends on zone. Ex: 6' in R-1	Same
Exception: No perimeter yard from prop. line required when shelter is...	$\leq 5'$ in height, $\leq 10$ sf in area	$\leq 6'$ in height, $\leq 16$ sf in area and screened
Set back from adjacent residence	50'	20'
<b>Other shelter location requirements</b>	Permitted in the side and rear yards  Prohibited in the front yard	Permitted in the side, rear, and front yards

**5. Sale of Products Grown On-Site – as an accessory use**

	<b>Current Regulations</b>	<b>Proposed Regulations (as of 11/6/13)</b>
Zones permitted	Permitted in residential zones per the yard sale regulations.	Permitted in all zones as an accessory use
Type of products permitted	No restriction	Restricted to products grown on-site
Max. number of events/days permitted	In residential zones = 4 events per calendar year. An event cannot be longer than 3 consecutive days.	No more than four advertised events per year. An event shall not occur more than three consecutive days. For the purposes here, an “advertised event” is one in which the homeowner or organizer advertises the home garden sales online, in the newspaper, or signs posted off-site in the neighborhood.
Hours of operation	Not specified	7 am and 5 pm